

REMARKS

Upon entry of the amendments in this paper, claims 13 and 15 will be pending in the above-identified application. Claims 1-4 and 17 are herein cancelled. Claim 13 is amended herein. Support for the Amendment is found at least at pages 17-21 and Figs. 6A-6C. No new matter is entered.

It is respectfully submitted that this paper is fully responsive to the Office Action mailed on October 28, 2008.

Applicants' Response to Claim Rejections under 35 U.S.C. §102

Claim 13 is rejected under 35 U.S.C. 102(a) or (e) as being anticipated by Ghinovker '833.

In response thereto, applicants respectfully submit that *Ghinovker '833* does not anticipate the invention as now claimed for at least the reason that the reference fails to teach each and every feature of claim 13 either expressly or inherently. Specifically, *Ghinovker '833* at least fails to disclose the plurality of segments of the lines being positioned offset in the first direction from the plurality of segments of their adjacent lines, wherein all of the alignment marks formed in an entire alignment mark area have a same shape so as to generate about a same field image alignment signal.

In the Office Action, page 6, line 18 to page 7, line 2, the rejection states that:

“Applicant argues that in interpreting claim 13 consideration should be give between the direction in which the segments the broken line are arranged and the extending direction

of the plurality of the lines which the alignment mark is divided into. Examiner notes, however, there is nothing in claim 13 that requires the offsets of the divisions of the plurality segments are related direction wise the broken line of the plural lines.”

Claim 13 as now presented includes that “the plurality of segments of the lines being positioned offset in the first direction from the plurality of segments of their adjacent lines *Ghinovker* ‘833 does not teach any equivalent feature either expressly or inherently.

The Office maintains that the lines 76 in *Ghinovker* ‘833 correspond to the alignment marks and also the lines 76 correspond to the micronized line-and-space pattern in claim 13. Further, the rejection requires that the elements 78 in *Ghinovker* ‘833 correspond to the segments which the broken line has in claim 13.

However, claim 13 as now presented includes the relationship between the direction in which the segments the broken line are arranged and the extending direction of the plurality of the lines which the alignment mark is divided into. In terms of this relationship, it is clear that *Ghinovker* ‘833 does not anticipate the offset regarding the positions of the divisions in claim 13.

In Fig. 2 of *Ghinovker* ‘833, the lines 76, which the rejection regards as the lines of the micronized line-and-space pattern in claim 13, extend along the Y direction. The segments 78, which the rejection regards as the segments the broken line has in claim 13, are arranged in the X direction orthogonal to the Y direction. There is no offset in the segments 78.

Hence, *Ghinovker* ‘833 does not disclose the feature of claim 13 that the positions of the divisions between the plurality of segments of the lines are offset from those of the divisions between the plurality of segments of their adjacent lines.

Wherefore, in light of the above, applicants respectfully submit that claim 13 as now presented is not anticipated by *Ghinovker* '833 under 35 U.S.C. §102.

Applicants' Response to Claim Rejections under 35 U.S.C. §103

Claims 1-4 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghinovker '833 in view of Ning '707.

As noted above, claims 1-4 and 17 are cancelled herein. Wherefore, applicants respectfully submit the rejection is now moot.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ghinovker '833 in view of Ning '707.

Applicants respectfully submit that by addressing the rejection of parent claim 13 as detailed above, likewise the rejection of claim 15 is addressed by nature of its dependency.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

Application No.: 10/073,314
Art Unit: 2894

Amendment under 37 C.F.R. §1.111
Attorney Docket No.: 020171

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read "Michael J. Caridi", with a long horizontal flourish extending to the right.

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